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The CIA—In Search of Its New Self

To change the rules of the game and then to try a man for having allegedly violated the present rules goes contrary to every concept of equal justice under law. That is what is happening in the indictment and prosecution of John J. Kearney for opening letters and wiretapping in the course of surveillance of fugitive members of the terrorist Weather Underground.

But Kearney was acting under orders according to rules of the game as it was then played. It was just as wrong as it could be under the Constitution of a free America.

Yet Kearney and a number of other middle-level officials were obeying orders from higher officialdom in the FBI. While it can be argued that he might have resigned in protest, he was, after all, a veteran of a service to which he was dedicated. And there is no reason to believe that he had any inclination to put his own judgment over that of his superiors.

In the great stampede for virtue, the FBI is not the only agency to offer up violators of past orders now superceded. It is the kind of self-righteousness that may make headlines while at the same time undermining the morale

of an agency that has been through a series of upheavals with no firm hand on the tiller.

The Central Intelligence Agency, too, has taken a holier-than-thou attitude over the proposed prosecution of at least one former high-level official. The charge was perjury growing out of the American role in the overthrow of the Allende government in Chile.

The charge was absurd on its face, since every CIA officer takes an oath to defend the interests of his country and the agency even though this may mean a whole succession of falsehoods. The individual in this instance made it plain that if he was prosecuted he would name every top American involved in the Chilean affair and what he himself had been told to say, or not to say, when interrogated.

Admiral Wallace Turner, just taking over as head of the CIA, must now decide how to prevent the wild adventures of the past while insuring that the agency can carry out functions essential to the needs of a superpower. No one would contend that the CIA must operate in a goldfish bowl. But the public will never again be satisfied with the total secrecy that prevailed before Watergate blew off the lid.

The oversight committee on the Hill, chaired by Sen. Daniel K. Inouye (D-Hawaii) is completing the first detailed budget CIA has ever had. The hearings have been secret and no decision has been reached on how much of it will be made public.

On one pair of eyes, Turner seems to have an indifferent attitude. The President's Foreign Intelligence Advisory Board, made up of distinguished citizens (some of them noted scientists), has been out of existence since Jan. 20 when the 15 men and one woman submitted their resignations.

No CIA director has been happy to have the board looking over his shoulder and Turner's attitude about its future is cavalier if not unconcerned. The board was constituted by President Eisenhower not to ferret out and punish illegalities but to give the White House a broad view of the effectiveness of the intelligence operation.

As well as an overall survey, it has made many creative and innovative suggestions. One member, Edwin H. Land, had a lot to do with pushing and developing the reconnaissance satellites. The Church committee in its final report had this to say:

"The President needs an independent body to assess the quality and effectiveness of our foreign intelligence effort. In the words of its executive secretary, the board has looked at intelligence through the eyes of the President. . . . The board has been useful, in part, because its advice and recommendations have been for the President. As such the executive nature of this relationship should be maintained."

The kind of housecleaning essential for the FBI was not carried out by Edward H. Levi, despite the high hopes that greeted his appointment as Attorney General. Nor has Clarence M. Kelley been a forceful director of the FBI.

Turner has brought 10 Navy personnel into the CIA. They are known privately among those feeling the stern Navy lash, working at times until three or four in the morning, as the "Gang of 10" after Peking's hated "Gang of Four."

Can Turner start anew? The cynics who have seen seven directors come and go are skeptical. They believe his present post is a way station on the road to be Chief of Naval Operations.

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